

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
VIA FEDERAL EXPRESS

Norphlet Chemical, Inc.
Attention: Board Members
600 Macmillian Drive
Norphlet, Arkansas 71759

Re: Norphlet Chemical Superfund Site, Norphlet, Union County, Arkansas
SSID No. A6N8, EPA ID No.

Dear Board Members:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from Norphlet Chemical Inc., in providing information and documents relating to the Norphlet Chemical Superfund Site (Site). Your information will aid EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives EPA the authority to require that you respond to this information request (see Enclosure 1). We encourage your company to give this matter its full attention, and ***we respectfully request that Norphlet Chemical Inc. respond to this request for information within thirty (30) days of its receipt of this letter.*** Failure to respond to an information request may result in EPA seeking penalties of up to \$37,500 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Ms. Jamie Bradsher, Enforcement Officer, at the address included in the Information Request. If you have any questions regarding this letter, contact Ms. Bradsher at (214) 665-7111. For legal questions concerning this letter, contact Mr. James Turner, Assistant Regional Counsel, at (214) 665-3159.

Thank you for your attention to this matter.

Sincerely yours,

Samuel Coleman, P.E.
Director
Superfund Division

Enclosures (3)

ENCLOSURE 1

NORPHLET CHEMICAL SUPERFUND SITE INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal “Superfund” law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol “§”) 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site’s history or this information request letter, please contact Ms. Jamie Bradsher, the designated Enforcement Officer for the Site, at phone number (214) 665-7111 or fax number (214) 665-6660. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Ms. Jamie Bradsher, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

If you or your attorney have legal questions that pertain to this information letter request, please contact Mr. James Turner at phone number (214) 665-3159 or fax number (214) 665-6660 or mail questions to the following address:

Mr. James Turner, Senior Counsel
Office of Regional Counsel, Superfund Branch (6RC-S)
U. S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

Norphlet Chemical Superfund Site (Site) is located outside of El Dorado, Arkansas at the location of the former Macmillan Oil Refinery (a previous Non-NPL Removal Action). The Site is a chemical manufacturing facility in the business of producing a refrigerant (HFC-134A) that is used in automobiles. The primary raw materials used for producing this product are Anhydrous Hydrogen Fluoride (AHF), Trichloroethylene (TCE), and a catalyst. The company that is believed to own and operate this Site, Norphlet Chemical Inc. (NCI), apparently attempted to produce the intended product for Tulstar Products, Inc. (TPI), a/k/a Tulstar Refrigerants LLC and Tulstar Refrigerants, Inc., based upon a tolling agreement contract between TPI and NCI, but was unsuccessful.

The EPA became aware of this facility in March 2009 and immediately informed the Arkansas Department of Environmental Quality (ADEQ). The EPA offered its assistance if deemed necessary by the ADEQ. On April 15, 2009, the U.S. Department of Homeland Security (DHS) conducted an Infrastructure Protection Inspection of the facility and was alarmed with its conditions and the fact that it was abandoned. On April 15, 2009, DHS contacted EPA about their concerns with the site. The major concern was that the abandoned Site had containers of AHF and mixtures of AHF, TCE, and intermediate refrigerants. In addition, the conditions of these containers were questionable. The EPA and DHS contacted various State authorities and then participated in a call concerning the Site. On April 16, 2009, EPA received a written request from ADEQ to address the situation at the Site.

The EPA dispatched its START Contractors to begin air monitoring. The EPA arrived on the Site on April 17, 2009, and met with Federal, State, County, and City officials and evaluated the Site. The EPA determined that an Imminent and Substantial Endangerment existed as a result of the abandonment of the facility, the conditions of the tanks, and the close proximity of the school and surrounding residents to the facility. On April 16, 2009, Union County Judge Bobby Edmonds declared an emergency. Because of the emergency order and the close proximity of the site to the school, the school was closed on Friday, April 17, 2009.

On April 19, 2009, EPA attempted to transfer material from the tanks in to tanker trucks. In order to accomplish this, piping was removed from the tanks to allow the connection of a pump and hoses. The transfer operation failed due to pump problems, however; there were no injuries or significant releases of material.

The EPA is in the process of obtaining bids for transportation and disposal. It was determined that high pressure intermodal containers was necessary for storage and transport of the AHF Mixture tanks (TT10 and 11) due to the organics within the tanks. Additionally, EPA is in the process of obtaining a pump with viton diaphragm and gaskets to handle the materials. The EPA is continuing real time air monitoring, sampling activities. Also EPA is awaiting the arrival of rail cars to transfer AHF and waiting to find out if the company Salvay will accept the materials of TCE.

ENCLOSURE 2

NORPHLET SUPURFUND SITE INFORMATION REQUEST

INSTRUCTIONS and DEFINITIONS

INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA. If you make such a claim, the information covered by that claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal

Privacy Information.”

7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses and telephone numbers, and present or last known job title, position or business.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation (including state of incorporation), partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.
7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
9. The term "Site" shall mean and include the Norphlet Chemical Site located in Norphlet, Union County, Arkansas.
10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

ENCLOSURE 3

NORPHLET CHEMICAL SUPERFUND SITE INFORMATION REQUEST

QUESTIONS

1. Identify the person(s) that answer the below questions on behalf of Norphelt Chemical Inc. Include the person(s) contact information (address, phone number and e-mail address).
2. Provide names, addresses, telephone numbers and e-mail addresses of any individuals including former and current employees, who may be knowledgeable of Norphlet's operations and hazardous material handling storage and disposal practices
3. Does your company or business have a permit or permits issued under RCRA? Does it have or has it ever had a permit or permits under the hazardous waste laws of the State of Arkansas? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification numbers your company or business has.
4. Provide a schematic diagram or flow chart that fully describes and or illustrates Norphlet's operations?
5. List the specific step by step process for making the substance HFC-134a? Include all chemicals that are used in the process.
6. List the types of raw materials used in Norphlet's operations, the products manufactured, recycled, recovered treated, or otherwise processed in these operations.
7. Name all the byproducts/waste that has resulted from the process of producing HFC-134a.
8. Describe how the byproduct/waste from the process of HFC-134a was handled/stored or transported.
9. Identify all leaks spills or releases into the environment of any hazardous substances pollutants or contaminants that have occurred at the facility. Provide the name of the substances, the amount of the release, the date it occurred and how it occurred.
10. Identify all companies, facilities and individuals from whom Norphlet obtained or who supplied materials (or raw materials) containing hazardous substances.
11. Describe the roll of Jones Hamilton. Discuss the role of the company particularly as it pertains to the contractual agreement to purchase HCL. Also explain any day to day activities at the facility. Provide the names and contact information of the employees involved in the process. Also provide any contract agreements with your company and Jones Hamilton.

12. Are there any other tolling agreements with other companies? If so provided copies of the tolling agreements?
13. What is your company's relationship with Mexichem Fluor? Provide all contracts/agreements with your company and Mexichem Fluor?
14. What was the agreement between Honeywell and Norphlet Chemical and or Tulstar Products, Inc.? Please provide any contracts or agreements concerning any parties associated with Honeywell.
15. Provide the specific policy coverage documents for the Ironshore (IronEnviro Insurance Blinder) or any other environmental coverage for your company.
16. If you have any reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, please identify such persons and their contact information.